F. F. 10°96 of 95

G. R. S. IX-5]

Previous references. A. F. 14

192 .

( )

File No. 111 of 93

Serial Nos. 1 — 8

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 7

Register

Part B for July 1895

SUBJECT.

Appeal of Narasappa regarding his Inam lands of Blacksmith office in Adapur Gosi-Gudamur Taluk

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WD 2233—GPB —20,000—11-6-20

Indexed

WS

(4) 1

The parties have heard
the Councillors on
the petition of [illegible]
the Electors have refer-
red under the provi-
sions of the Local
Government Act 1888
before entering upon the
duty hereof the fol-
lowing questions —

1 Is the village of Langan
now recognized?

2 What are his alter-
and responsibilities
as village

3 Is the boundary system
of the said area
recognized and regulated
by any Order?

The Jury [illegible]
Electors have
(1) Village of Langan is
recognized
(2) Area is defined as
by Order dated 6 the
Village Community

(1) the duties of the village blacksmith & Ishpen are now being performed by Naraffa uncle of Appellant

(2) that the Lucan lands were in the possession of Habibhoy etc 1890

The following persons are now in possession of the Lucan lands: ——

Nos 267 271 - dry lands } in the possession of Jadunath Pathe since June and November 1892 under a sale deed

No 175 - garden. in the possession of Muthaffa (2 defs) under a Mortgage deed since February 1890

house in the possession of Bhimacharya (6 defs) since 24 May 1890

(Vide Sub Re Officer's docket & Commissioner's order dated 5th May 96)

4

The Court for determination of whether the Sub. Division Officer was right in dismissing the suit on the ground that he had no jurisdiction.

28/3

Submitted to Rev. Com
28/

2

(3) The Secretary Patna is requested. in Pro 8828-93 216-92 16 Dec 92

The Judicial Commissioner passed the following order on 19-11-94:-

"Before passing final orders I would ask the Govt to call for (1) the Decree for which the Suit in this case was granted and not being rendered? If so, by whom?

(2) If not who has been in possession of the Suit land subsequent to the Suit settlement?

The Govt is called upon to furnish the 3 Sept 94 with the 1067 required Info

GOVERNMENT OF MYSORE

This is a suit
for a declaration
of Plaintiff's right
to the Office of village
Blacksmith of Edapur
and for possession
of Inam land attached
to the office.

The Sub Judge
dismissed the suit
on the ground that
it should be brought
in a Civil Court.

Sec 221 of the
Land Revenue Code
debars Civil Courts
from entertaining suits
to enforce claims against
Govt relating to the
property appertaining

6

6 the office of any Kanungo
village Officer or Servant
or claims to perform
the duties of any
such village Officer
or Servant.

In the first place,
this is not a claim
against Govt.
Next, the Sub Jr Officer
thinks that a blacksmith
is neither a village
officer nor Servant, relying
upon Ch. Comm's Circular
5 of 1872-73 and paras
3, 4 & 5 of Rule 43 of the
Land Revenue Rules.

~~In the Civil Rules~~,
Sec 221 ~~to~~ also Clause
to be no bar to an substantive
suit of this kind
by Civil Courts

The Dy Commr
directed the Sub
Division Officer to
examine the Suit and
to assess the Damages
fully-

The Correctness of
the Letter portion of the
order is doubtful.
Under Govt Rd 8828-9
R.F. 216-92
dated 16 December 1892
Wages granted for
Artizans can be resumed
and fully assessed,
only when the Services
for which they were
granted are no longer
performed. In this
Case Plff alleges that
the Services are being
performed, while Defts
deny it. It seems that
an Enquiry is necessary

(5 9

Note.

In re Appeal preferred by one Narnappa of the Goribidnur Taluk praying for a declaration of his right to the office of the Village Blacksmith of Idagur & for possession of the Inam lands appertaining to the Office -

The questions raised by the Judicial Councillor are -

1. Is the Village Corporation now recognized?
2. What are his duties & responsibilities.
3. Is the hereditary nature of the Office recognized and regulated by any Rules?

Upon perusing the orders in the Appeal & the Petitioner's statements in support of the claim for the Inam land, it appears that the Petitioner has been removed from the office of Village Blacksmith by the Collector on the ground that he has been guilty of misconduct in refusing to render service to the Village Community. The Petitioner has filed a suit in the Court of the Principal Sudder Ameen of Bellary against the Collector and the Revenue Board praying for a declaration that the order of removal is illegal and void and for possession of the Inam land. The Principal Sudder Ameen has dismissed the suit on the ground that the Civil Court has no jurisdiction to entertain it. The Petitioner has appealed to this Court against the decree of the Principal Sudder Ameen.

19/11/94

1. There is a difference between Village service rendered in the Revenue or Police line and service rendered to the Village Community as Washerman, Barber, Blacksmith &c: The

Revenue

and Police duties (of a Patel, Shanbhog, Talari &c) are necessarily required to be performed; whereas duties required of a Dhobi, or Blacksmith may be omitted to be performed, in which case the service shall allowed will cease to be continued. (Please see Rule VIII of the Inam Rules). But as long as service is continued to be performed the village artizan is recognised though not to the extent to which village service in the Rev: or Police department is. This view is confirmed by the orders of Govt conveyed in Pro:

No: 5715-17 dt 23-9-93
R.F. 216-92

" 8828-9 dt 16-12-92
R.F. 216-92

(Spare Copies put up).

2. The village Artizans Duties and responsibilities — Rendering service to the village community

before orders are issued
for the resumption
of service Swan Lands
and for fully assessing
them.

12

Note on Talar Mans

VL

3/11/94

to the benefit of the Community in return for the Inam enjoyed. The duty is not incumbent on him but if he desires to enjoy the Inam he must do the service. If he omits to do the service the Inam tenure will cease unless the villagers claim to appoint another Artizan.

3. Is the Hereditary nature of the office recognized & regulated by any Rules?

On this point please see para 4 of Govt. Ro: No: 8828-9 dated 216-92 16th Dec 1892 referred to above.

The hereditary nature is dependent on the continued performance of the service imposed for the benefit of the Village Community and the "watan" of the Inam land is changed from time to time just as in the case of

(General Serial No. 32.)

1893

No. 1219 L.R. III-93-1

Name of Petitioner. Viranagouda Gouda

Village. Kalasapura

Taluk. Gubbi

District. Tumkur

Date of Arzi. 6-11-93

Date of Receipt. 9-11-93

Date of Disposal.

No. of Enclosures. two

ABSTRACT.

Officer against the Order passed under Rule No. 7 of the Revenue Instructions, 1893-94, of the Circle Inspecting Officer of Gubbi on the following grounds:-

That the Officer should have brought the Office Bearers of the Blacksmith, Potter and other villages from the Office and recorded their statements

1. Petitioner
2. Village Officer
3. Petitioner was in — last as a Sirdar of the village of the same Smith, and in remission due, right of his ancestors performing a Karya under a Watandi deed, he has been doing the Smith work and enjoying the Inam lands. But whilst the Respondent, Patwari of the village, appointed a Commissioner to Petitioner in spite of the above circumstances, the Amildar ordered the Circle Inspector for Conversion of Alienated and Kharab lands, who went to the village and the Petitioner was dismissed from
4. The Circle Inspector's order is in Sufficient Field and Instructions from the Superior Officer, but it does not comply with the Revenue Circulars and Inam Manuals. Hence I request
5. Proceedings Re 8823-2 and 3 dated 5th Dec 92 (Page 5 of the Executive Book for Dec 92) the Government have passed the following order:- Inams of the above kind granted to Village Communities for services rendered to the Village Community differ in their nature from Inams granted to Village Officers. As the services in question are said to have come to an end on the cessation of the necessity to employ Inam granted in lieu thereof for the same from alienation and to transfer the Inam, on failure of the incumbent, to another or to commute the same under the Service Inam Section 17 of the Inam Petitioner Circular. Inams of the class in question were conferred as remuneration for the following and the Government keeping in view the continued performance of the service for which the Inam was granted, the Govt consider that on proof of non-performance of the Service the Inam may be resumed and

Varaiya dia Venkatappa,
u has no right to sell it + that
without his consent;
that the Sub-Division officer
was wrong in booking his complaint
against the vendee, without
perusing all the records connected
with it, although he had not
with the power of the Revenue
to be filed with the case + had
sufficient evidence with him.

Prays therefore the
Revision petition may be allowed
+ justice done to him.

[illegible]

---

and the lands fully assessed"
The Defendants under that the
Petitioner did appeal before the
Revenue Officers in the Civil Court and
the Court has identified it
the other portion of the same survey
the lands should be fully assessed
& correct for Petitioner & them
to be heirs of the holder of the Inam,
during the service for which the Inam
was granted, and as such, if he
succeeds in recovering possession
the land, he will be entitled to
hold it on the Inam tenure.
Submitted pleaders.

[illegible]

[illegible] is not clear who is his
[illegible] he is an [illegible]
Vs. [illegible] Respdts Petitioners
Petn. not admitted, Mr. Respdts Advocate
[illegible] — Civil Courts have no
[illegible] Order 22 of the Civil Procedure Code
Case for a fresh report of the case & one
[illegible] notice on Mr. Respdt
[illegible]
[illegible]

Revenue Branch
17-5-94 [illegible]
Ref: Brandis
up Proceedings Nos 8878-9
RA 216-92
16 Dec 1892 refd to in this

16

(General Serial No. 30.) 3

1894. 1703

From

Deputy Commissioner [illegible] 738
Public Instruction

L.R.II-13-3

To

The Chief Secretary to the Dewan
of Mysore.

Dated 11th May

Despatched 16th May

Received

Enclosures No. 4 & Record

General No. 4144
No. 1007

This official Memorandum
forwards Petition dated 10th/18th Jan
-uary 1894 (1082) for disposing for
report a petition from
Ramappa of Kiddarebyal
-pa Jurisdiction Talook
appealing against the de-
cision of the Sub Division
Officer Chickballapur in
Revenue Suit No 7 of 92-93

In reply, has the honor
to submit the accompany-
-ing copy of the Sub
Division Officer's docket
No 46 dated the 5th instant
together with its original
Enclosures on the subject
The order passed by this
office

Encl of the Progs
[illegible]

[illegible]

Copy of the Progs
sent up

[illegible]

Reply drawn up
[illegible] today
with returned with
Enclosures:
papers
[illegible] that
[illegible]
in date
copy of this
[illegible]

[illegible]

31/5
[illegible] to the Councillor
reference to the order
Calling for a
10-1-94
[illegible] of the case

16/5/94
1894

Post in 4
[illegible]
all parties concerned
31/7

17

Office on which the
Sub Division officers de-
cision is based is in ac-
cordance with the principles
laid down in Government
Proceedings No 8828-9 dated
R.T. 216.92
16th December, 1892.—

D Munro
Dy Commissioner
Thana

Ex 1052

18-1-94

(2)

L.R. 111-93-2

15

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition 1219

dated 6. 11. 93. received at the Dewan's Office from Ramappa of Kuppenhalya, Goribidanur Taluq, appealing against the decision of the Land Office of Chickballapur in Review Suit No 7 of 1892-93

is forwarded, together with its enclosures, to the Deputy Commissioner Kolar District for a full report of the case with the records called for. It should be explained why possession of the lands is disputed, and if the petitioner has not yet obtained possession, when he obtained it.

By Order,

(Illegible)

Chief Secretary.

BANGALORE, 10 Jany 1894.

15/1

M. G. C. P. Bangalore.—21-11-92—3,000.

5.

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
REG'D. NO. 1219
DATE 6-11-93

Gen. 31.] (5) 21

1895 11698.

Pet 491

Petition Branch
11/3/95

Submitted to Rev. Councillor
13/3 C.C.
for perusal and
favour of orders.
10.3.95

From The Deputy Commissioner
Kolar District

To Chief
The Secretary to the
Dewan of Mysore.

L.R. III-93-2

Dated 9th March 1895.

Despatched 9th

Received

General No. 3084

No. 1067

Enclosure No. 1 + 1 file

His docket No: 8296/763 dated 19th November last, calling for further report on certain points connected with Petition 12190/1893-94 (Naranappa Vs Padmiah and 3 others).

With reference to the above, has the honour to state that it appears from the Chikballapur Sub Division Officer's docket No: 305 dated 5th instant (copy of which is herewith submitted for ready reference) and its enclosures, that the services of Lohar (blacksmith)

2. of

15
18 June
to both parties

of Idagur Village in question is performed by Narappa, uncle of Naranappa, the Petitioner, and the Inam lands were in the possession of the Hakdars up to 1890.

2. The Enclosures of the docket-in advertence are herewith resubmitted.

Deputy Commissioner,
Kolar District.

True

14

20

L 2111-93 +

To The Dy Commr Kolar

23 11-94

Enq: 16: file +
petn with 2 Encs

8296

Pet: 763

In forwarding herewith the Order passed + Connected with Para 12199 93-94 (Mandatory to Pattadar's and others) the Tahsildar to report the Land Revenue to be levied in the Land in question, & Boundaries and Survey No. in which the Land has been granted. Survey in this Case has not been done being rendered, if so by whom and if not, who has been in actual possession of the Land Calculating to the Land Revenue payable.

(By Order)

+ for expenses and Revenue Inspection

21/11

Ch. Sup

21/11

21/11

Gen. Serial No. 31.] 23

189

L.R. 111-93-6

From The Subdivisional Officer
Chicklilapara

To The Deputy Commissioner
Kamrup

Dated 2nd
Despatched 2nd } March 1895
Received 4th

Enclosures No. One file of records.

General No. 305
No.

No. 1283 dated 4.12.95 forwarding copy of Chief Secretary's No. 8236/763 of the 25th November last with enclosure and a petition calling for further report &c

---

In reply, have the honor to forward herewith report No. 432 dated 2-2-95 received from the Subdivisional Officer, stating that the services in respect to the villages of (1) Kudra Pahalia, (2) Nafarbaila and (3) Bajgaon are being rendered by plaintiff

(6)

M/219 of 1895-96

L.R. III-93-7

Vpb

Vanapha
of Kudaveliya
Govi Caste
Galle
Kolar DC

Respt
Padmaeb
& 3 others.

Appellant brought a suit for a ~~declaration~~ declaration of her right to perform the office of Village Blacksmith of Udugaha & for the enjoyment of certain lands attached to it. The sub Ins officer under the orders of the Dy Court dismissed the suit on the ground that it was not cognizable by Revenue Courts. The appeal is against the decree.

Govt are of opinion that under Sec 221 para Clause (a) of the Land Revenue Code, the suit is not cognizable by Civil Courts. A Village carpenter is a hereditary officer recognised by Govt, & the suit is for injury caused by Respts by their taking possession of the lands attached to the office. The Dy Court is

Hemphe requested to order this case to be disposed of on its merits.

28/9/94

By order

H Rev: Secy

18/6/95

No. 24953 / Petn. 109-94 Dy 27-6-95.

Copy forwarded to the Dy. Commr: Kolar District returning the Vernacular records received with his docket No: 3058/1067 dated 7th March 1895.

By order

27/6/95

Draft — H Rev: Secy

SLR 2/6.

Subd to the Cl. Secy
28. J 1/10/94

Note
Note content
4/6/1

1. Is the village artizan now
2. what are his duties and
qua village
3. Is the hereditary nature of the
recognised or
& any other

Plaintiff Narayanan and
three of D. Narayan Chickka-
lingal (2) Bheemalingal and
(3) Karianankutti Narayanan
uncle of the Plaintiff. Two
statements of the Petitioner and
Advocate, in the matter
together with copy of Judg-
ment produced by Petitioner
and his statement as to the
entire records of the case,
received with the above
are submitted.

(Signed) Narayanayengar
Assistant Commissioner

"Copy"

Mudaliar
For Deputy Commissioner
Trichinopoly

(7)

L.R.III-93-8

By Order

18-7-95